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6 Attorneys for Plaintiffs, CLAUDIA SANCHEZ, ERIN WALKER
and WILLIAM SMITH, on behalf of themselves and all others
7 similarly situated,

8
9 UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11

12 CLAUDIA SANCHEZ, ERIN WALKER and)
WILLIAM SMITH, as individuals, and on behalf)
13 of all others similarly situated,)

14 Plaintiffs,)

15 v.)

16 WELLS FARGO & COMPANY, et al.)

17 Defendants.)
18)
19)

Case No.: C 07-05923 WHA (JCSx)

Judge Assigned: Hon. William H. Alsup

Original Complaint filed: November 21, 2007

PLAINTIFFS' INITIAL DISCLOSURE

20 Plaintiffs by and through the undersigned counsel and pursuant to 26(a)(1) of the Federal Rules
21 of Civil Procedure submit their Initial Disclosures:

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A. The name and, if known, the address and telephone number of each individual likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, identifying the subjects of the information.

1. Plaintiff William Smith
c/o Richard D. McCune
McCune & Wright, LLP
2068 Orange Tree Lane, Ste. 216
Redlands, CA 92374

William Smith has knowledge regarding the circumstances of the application for the Wells Fargo checking account including the disclosures and representations of Wells Fargo employees. He also has knowledge regarding his use of the Wells Fargo checking account and the information and disclosures he recalls receiving after opening the account. Finally, he will have knowledge of the circumstances involving being assessed overdraft fees by Wells Fargo.

2. Plaintiff Erin Walker
c/o Richard D. McCune
McCune & Wright, LLP
2068 Orange Tree Lane, Ste. 216
Redlands, CA 92374

Erin Walker has knowledge regarding the circumstances of the application for the Wells Fargo checking account including the disclosures and representations of Wells Fargo employees. She also has knowledge regarding her use of the Wells Fargo checking account and the information and disclosures she recalls receiving after opening the account. Finally, she will have knowledge of the circumstances involving being assessed overdraft fees by Wells Fargo.

3. Plaintiff Tim Fox
c/o Richard D. McCune
McCune & Wright, LLP
2068 Orange Tree Lane, Ste. 216
Redlands, CA 92374

Tim Fox has knowledge regarding the circumstances of the application for the Wells Fargo checking account including the disclosures and representations of Wells Fargo employees. He also has knowledge regarding his use of the Wells Fargo checking account and the information and disclosures he recalls receiving after opening the account. Finally, he will have knowledge of the circumstances involving being assessed overdraft fees by Wells Fargo.

1 4. Plaintiff Claudia Sanchez
2 c/o Richard D. McCune
3 McCune & Wright, LLP
4 2068 Orange Tree Lane, Ste. 216
5 Redlands, CA 92374

6 Claudia Sanchez has knowledge regarding the circumstances of the application for the Wells
7 Fargo checking account including the disclosures and representations of Wells Fargo employees. She
8 also has knowledge regarding the use of the Wells Fargo checking account and the information and
9 disclosures she recalls receiving after opening the account. Finally, she will have knowledge of the
10 circumstances involving being assessed overdraft fees by Wells Fargo.

11 5. Plaintiff Veronica Gutierrez
12 c/o Richard D. McCune
13 McCune & Wright, LLP
14 2068 Orange Tree Lane, Ste. 216
15 Redlands, CA 92374

16 Veronica Gutierrez has knowledge regarding the circumstances of the application for the Wells
17 Fargo checking account including the disclosures and representations of Wells Fargo employees. She
18 also has knowledge regarding her use of the Wells Fargo checking account and the information and
19 disclosures she recalls receiving after opening the account. Finally, she will have knowledge of the
20 circumstances involving being assessed overdraft fees by Wells Fargo.

21 Plaintiff Counsel has knowledge of a number of customers that are listed below that claim they
22 have been unfairly charged multiple overdraft charges by Wells Fargo. Plaintiff Counsel is in the
23 process of obtaining verifying information, their willingness to testify and their contact information, and
24 will supplement this initial disclosure to add contact information or remove their names from disclosure
25 once this information is obtained.

26 6. Gene and Summer Adams

27 Gene and Summer Adams will have knowledge about the circumstances involving being unfairly
28 assessed multiple overdraft fees by Wells Fargo.

7. Yolanda Gonzales

Yolanda Gonzales will have knowledge about the circumstances involving being unfairly
assessed multiple overdraft fees by Wells Fargo.

1 8. Maria Galindo

2 Maria Galindo will have knowledge about the circumstances involving being unfairly assessed
3 multiple overdraft fees by Wells Fargo.

4 9. Martin Pais

5 Martin Pais will have knowledge about the circumstances involving being unfairly assessed
6 multiple overdraft fees by Wells Fargo.

7 10. Beverly Marietta

8 Beverly Marietta will have knowledge about the circumstances involving being unfairly assessed
9 multiple overdraft fees by Wells Fargo.

10 11. Sandra Oberlies

11 Sandra Oberlies will have knowledge about the circumstances involving being unfairly assessed
12 multiple overdraft fees by Wells Fargo.

13 12. Crystal Santillanes

14 Crystal Santillanes will have knowledge about the circumstances involving being unfairly
15 assessed multiple overdraft fees by Wells Fargo.

16 13. Price Crossno

17 Price Crossno will have knowledge about the circumstances involving being unfairly assessed
18 multiple overdraft fees by Wells Fargo.

19 14. Arthur Miley

20 Arthur Miley will have knowledge about the circumstances involving being unfairly assessed
21 multiple overdraft fees by Wells Fargo.

22 15. Nelson Bownea

23 Nelson Bownea will have knowledge about the circumstances involving being unfairly assessed
24 multiple overdraft fees by Wells Fargo.

25 16. Jonh Noerville

26 John Noerville will have knowledge about the circumstances involving being unfairly assessed
27 multiple overdraft fees by Wells Fargo.

1 17. Andrew Green

2 Andrew Green will have knowledge about the circumstances involving being unfairly assessed
3 multiple overdraft fees by Wells Fargo.

4 18. Aaron Hoffman

5 Aaron Hoffman will have knowledge about the circumstances involving being unfairly assessed
6 multiple overdraft fees by Wells Fargo.

7 19. Michael Diaz

8 Michael Diaz will have knowledge about the circumstances involving being unfairly assessed
9 multiple overdraft fees by Wells Fargo.

10 20. David Rogers

11 David Rogers will have knowledge about the circumstances involving being unfairly assessed
12 multiple overdraft fees by Wells Fargo.

13 21. Kevin Davies

14 Kevin Davies will have knowledge about the circumstances involving being unfairly assessed
15 multiple overdraft fees by Wells Fargo.

16 22. John New

17 John New will have knowledge about the circumstances involving being unfairly assessed
18 multiple overdraft fees by Wells Fargo.

19 23. Kimberly Horton

20 Kimberly Horton will have knowledge about the circumstances involving being unfairly assessed
21 multiple overdraft fees by Wells Fargo.

22 24. Donald Durham

23 Donald Durham will have knowledge about the circumstances involving being unfairly assessed
24 multiple overdraft fees by Wells Fargo.

25 25. Charles Hill

26 Charles Hill will have knowledge about the circumstances involving being unfairly assessed
27 multiple overdraft fees by Wells Fargo.

1 26. Anthony Tschoepe

2 Anthony Tschoepe will have knowledge about the circumstances involving being unfairly
3 assessed multiple overdraft fees by Wells Fargo.

4 27. Ralph Lopez

5 Ralph Lopez will have knowledge about the circumstances involving being unfairly assessed
6 multiple overdraft fees by Wells Fargo.

7 28. Robert Lucero

8 Robert Lucero will have knowledge about the circumstances involving being unfairly assessed
9 multiple overdraft fees by Wells Fargo.

10 29. John Arail

11 John Arail will have knowledge about the circumstances involving being unfairly assessed
12 multiple overdraft fees by Wells Fargo.

13 30. Douglas Ramos

14 Douglas Ramos will have knowledge about the circumstances involving being unfairly assessed
15 multiple overdraft fees by Wells Fargo.

16 31. Derahn Reed

17 Derahn Reed will have knowledge about the circumstances involving being unfairly assessed
18 multiple overdraft fees by Wells Fargo.

19 32. Gina Palacios

20 Gina Palacios will have knowledge about the circumstances involving being unfairly assessed
21 multiple overdraft fees by Wells Fargo.

22 33. Tim Tumminia

23 Tim Tumminia will have knowledge about the circumstances involving being unfairly assessed
24 multiple overdraft fees by Wells Fargo.

25 34. Jeremy Smith

26 Jeremy Smith will have knowledge about the circumstances involving being unfairly assessed
27 multiple overdraft fees by Wells Fargo.

1 35. Joseph Jones

2 Joseph Jones will have knowledge about the circumstances involving being unfairly assessed
3 multiple overdraft fees by Wells Fargo.

4 36. Melody Urich

5 Melody Urich will have knowledge about the circumstances involving being unfairly assessed
6 multiple overdraft fees by Wells Fargo.

7 37. Craig Hunt

8 Craig Hunt will have knowledge about the circumstances involving being unfairly assessed
9 multiple overdraft fees by Wells Fargo.

10 38. Walter Ortega

11 Walter Ortega will have knowledge about the circumstances involving being unfairly assessed
12 multiple overdraft fees by Wells Fargo.

13 39. John Garrett

14 John Garrett will have knowledge about the circumstances involving being unfairly assessed
15 multiple overdraft fees by Wells Fargo.

16 40. Ralph Lopez

17 Ralph Lopez will have knowledge about the circumstances involving being unfairly assessed
18 multiple overdraft fees by Wells Fargo.

19 41. Veronica Eckol

20 Veronica Eckol will have knowledge about the circumstances involving being unfairly assessed
21 multiple overdraft fees by Wells Fargo.

22 42. Mike Ellis

23 Mike Ellis will have knowledge about the circumstances involving being unfairly assessed
24 multiple overdraft fees by Wells Fargo.

25 43. Steve Childress

26 Steve Childress will have knowledge about the circumstances involving being unfairly assessed
27 multiple overdraft fees by Wells Fargo.

1 44. Angela Savell

2 Angela Savell will have knowledge about the circumstances involving being unfairly assessed
3 multiple overdraft fees by Wells Fargo.

4 45. Mollie Taylor

5 Mollie Taylor will have knowledge about the circumstances involving being unfairly assessed
6 multiple overdraft fees by Wells Fargo.

7 46. William Campos

8 William Campos will have knowledge about the circumstances involving being unfairly assessed
9 multiple overdraft fees by Wells Fargo.

10 47. Robert Higgins

11 Robert Higgins will have knowledge about the circumstances involving being unfairly assessed
12 multiple overdraft fees by Wells Fargo.

13 48. Robert Cannon

14 Robert Cannon will have knowledge about the circumstances involving being unfairly assessed
15 multiple overdraft fees by Wells Fargo.

16 49. Chris Radke

17 Chris Radke will have knowledge about the circumstances involving being unfairly assessed
18 multiple overdraft fees by Wells Fargo.

19 50. Charles Parker

20 Charles Parker will have knowledge about the circumstances involving being unfairly assessed
21 multiple overdraft fees by Wells Fargo.

22 51. Matt Dahlquist

23 Matt Dahlquist will have knowledge about the circumstances involving being unfairly assessed
24 multiple overdraft fees by Wells Fargo.

25 52. Dana Samuels

26 Dana Samuels will have knowledge about the circumstances involving being unfairly assessed
27 multiple overdraft fees by Wells Fargo.

1 53. Linda Macleod

2 Linda Macleod will have knowledge about the circumstances involving being unfairly assessed
3 multiple overdraft fees by Wells Fargo.

4 54. Kristianne Barron

5 Kristianne Barron will have knowledge about the circumstances involving being unfairly
6 assessed multiple overdraft fees by Wells Fargo.

7 55. Jennifer Frey

8 Jennifer Frey will have knowledge about the circumstances involving being unfairly assessed
9 multiple overdraft fees by Wells Fargo.

10 56. Keri Gaeta

11 Keri Gaeta will have knowledge about the circumstances involving being unfairly assessed
12 multiple overdraft fees by Wells Fargo.

13 57. Carrie Hunter

14 Carrie Hunter will have knowledge about the circumstances involving being unfairly assessed
15 multiple overdraft fees by Wells Fargo.

16 58. Joe Navarro

17 Joe Navarro will have knowledge about the circumstances involving being unfairly assessed
18 multiple overdraft fees by Wells Fargo.

19 59. Kelvin Herman

20 Kelvin Herman will have knowledge about the circumstances involving being unfairly assessed
21 multiple overdraft fees by Wells Fargo.

22 60. Aaron Henderson

23 Aaron Henderson will have knowledge about the circumstances involving being unfairly
24 assessed multiple overdraft fees by Wells Fargo.

25 61. Jay Ziegenbein

26 Jay Ziegenbein will have knowledge about the circumstances involving being unfairly assessed
27 multiple overdraft fees by Wells Fargo.

62. Amber Rodriquez

Amber Rodriquez will have knowledge about the circumstances involving being unfairly assessed multiple overdraft fees by Wells Fargo.

63. Morgan Fuller

Morgan Fuller will have knowledge about the circumstances involving being unfairly assessed multiple overdraft fees by Wells Fargo.

64. Melissa McMahan

Melissa McMahan will have knowledge about the circumstances involving being unfairly assessed multiple overdraft fees by Wells Fargo.

65. Georgi Kiley

Georgi Kiley will have knowledge about the circumstances involving being unfairly assessed multiple overdraft fees by Wells Fargo.

66. Yolanda Marsili

Yolanda Marsili will have knowledge about the circumstances involving being unfairly assessed multiple overdraft fees by Wells Fargo.

67. Tamika Coleman

Tamika Coleman will have knowledge about the circumstances involving being unfairly assessed multiple overdraft fees by Wells Fargo.

B. A description by category and location of all documents, data compilations, and tangible things in Plaintiff's possession, custody, or control, or reasonably believed to be in Defendant's possession that Plaintiff may use to support its claims or defenses, not including any such things to be used solely for impeachment.

1. The Account Activity, and Account Summary for each of the named Plaintiffs. Plaintiffs have some of the documents, but it is believed that Wells Fargo has a complete set of the documents.
2. The Consumer Account Agreement and Consumer Account Fee and Information Schedule for each of the Plaintiffs. Plaintiffs have some of the documents, but it is believed that Wells Fargo has a complete set of the documents.
3. The online and paper statements for each of the named Plaintiffs. Plaintiffs have some of the

documents, but it is believed that Wells Fargo has a complete set of the documents.

4. The envelopes and inserts for statements for each of the named Plaintiffs. Plaintiffs have some of the documents, but it is believed that Wells Fargo has a complete set of the documents.

5. The applications of the named Plaintiffs. Plaintiffs have some of the documents, but it is believed that Wells Fargo has a complete set of the documents.

6. The package of documents received by each Plaintiff at the time they opened their Wells Fargo statements. Plaintiffs have some of the documents, but it is believed that Wells Fargo has a complete set of the documents.

7. Wells Fargo's marketing brochures related to the Wells Fargo Checking accounts and online banking. Plaintiffs have some of the documents, but it is believed that Wells Fargo has a complete set of the documents.

8. The advertisements put out by Wells Fargo related to their checking account and online banking. Plaintiffs have some of the documents, but it is believed that Wells Fargo has a complete set of the documents.

9. The Consumer Research conducted by Wells Fargo on online banking, checking account customers and customers who overdraw their account. It is believed that Wells Fargo has these documents.

10. Wells Fargo's database relating to customers and individual transactions by those customers.

11. Wells Fargo's Website definitions and descriptions of "available balance", "pending" transaction, and process for incurring overdraft fees. Plaintiffs have some of the documents, but it is believed that Wells Fargo has a complete set of the documents.

12. Disclosure documents defining "available balance", "pending" transaction, and the process for incurring overdraft fees. Plaintiffs have some of the documents, but it is believed that Wells Fargo has a complete set of the documents.

13. Documents maintained and in the control of Wells Fargo defendants that relate to the issues presented by the complaint. Defendants have these documents.

1 **C. A computation of any category of damages claimed by Plaintiff (with the documents on**
2 **which the computation is based being available for inspection and copying).**

3 Plaintiff anticipates submitting expert testimony on the issue of damages and how the damages
4 are calculated. The category of damages include disgorgement of profits, rescission damages, lost
5 profits, lost interest and all other elements of damages pled in the complaint. Plaintiff attaches some of
6 the copies of the statements for the named Plaintiffs demonstrating overdraft charges for transactions
7 where there was funds in the account at the time of the transaction.

8 **D. Any insurance agreement under which any person carrying on an insurance business may**
9 **be liable to satisfy part or all of a judgment which may be entered in the action or to**
10 **indemnify or reimburse for payments made to satisfy the judgment.**

11 Not applicable.


12 Plaintiff reserves the right to supplement this Rule 26(a)(1) disclosure to name other
13 witnesses and expert witnesses in response to witnesses and / or experts not yet disclosed by
14 discovery, or not yet disclosed by plaintiff as possible primary witnesses.

15 Plaintiff reserves the right to call and elicit opinions from all witnesses listed or to be listed
16 by Defendant, including expert witnesses.

17 Plaintiff reserves the right to supplement or amend this disclosure as discovery progresses.

18 DATED: March 21, 2008.

McCune & Wright, LLP

19 By: 
20 Richard D. McCune
21 Attorney for Plaintiffs

Case: SANCHEZ, et al. v. WELLS FARGO BANK, et. al.

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO

I am employed in the County of San Bernardino, State of California. I am over the age of 18 years and not a party to the within action; my business address is 2068 Orange Tree Lane, Suite 216, Redlands, California, 92374.

On March 21, 2008, I served the foregoing document described as **PLAINTIFFS' INITIAL DISCLOSURE** on the interested parties through their respective attorneys of record in this action, by placing a ☒ true copy or ☐ original thereof enclosed in sealed envelopes addressed as follows:

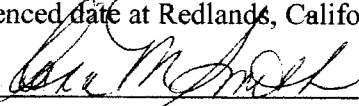
Sonya D. Winner, Esquire
David M. Jolley, Esquire
Margaret G. May, Esquire
COVINGTON & BURLING, LLP
One Front Street
San Francisco, CA 94111
Telephone: (415) 591-6000
Facsimile: (415) 591-6091

Attorneys for Defendants

METHOD OF SERVICE:

- [X] **(BY MAIL)** I am readily familiar with the firm's business practice for collection and processing of correspondence for mailing. Under that practice, I caused such envelopes with postage thereon fully prepaid to be placed in the United States mail at Redlands, California.
- [X] **(BY E-MAIL)** By transmitting it to the following individuals by electronic mail:
Sonya D. Winner: SWinner@cov.com
David M. Jolley: djolley@cov.com
- [] **(BY FAX)** I caused such documents to be transmitted by facsimile to the offices of the addressee(s). The facsimile machine used complied with California Rules of Court, rule 2003, and no error was reported by the machine.
- [] **(BY OVERNIGHT DELIVERY)** I caused such document to be delivered by overnight delivery to the offices of the addressee(s).

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. Executed on the above-referenced date at Redlands, California.


Anna Marie Smith